

REMARKS

The Final Office Action dated July 15, 2009 has been received and reviewed. This response, submitted along with a Petition for a Two-Month Extension of Time, is directed to that action.

The applicants hereby thank the Examiner for the courtesies extended to the applicant's attorney during the telephonic interview on October 16, 2009. Although agreement was not reached, the applicants now have a better understanding of the Examiner's reasons for rejection.

Claim 13 has been amended to bring the claim into independent form. No new matter has been added.

The applicants respectfully request reconsideration in view of the foregoing amendments and the following remarks.

Objections to the Title

The Examiner objected to the title as not being descriptive. The applicants have amended the title according to the Examiner's suggestion, thus obviating the objection.

Claim Rejections- 35 U.S.C. §103

The Examiner rejected claims 1-3, 5-12 and 15-19 under 35 U.S.C. §103(a) as obvious over Edwards et al. (WO 93/08095) in view of Anderson (US 7,135,135). The applicants respectfully traverse this rejection.

The applicants respectfully submit that a *prima facie* case of obviousness cannot be established because the cited references fail to teach or suggest all of the limitations of the presently claimed invention.

The present invention is directed to a water-soluble container comprising a first and second compartments comprising compositions, the compartments being separated by a spacer, and wherein the spacer itself encloses a composition. Edwards fails to teach all of the limitations of the presently claimed invention, in particular a spacer enclosing a separate composition. While the Examiner argues that feature (4) shown in Edwards is a "spacer" according to the present invention, Edwards' "spacer" is merely a sheet of film, and does not, nor cannot enclose a composition. Moreover, Edwards' sheet of film does not suggest a rigid spacer enclosing a composition, and it would be outside the ordinary level of skill in the art to suggest that modifying a sheet taught in Edwards to a rigid spacer enclosing a composition as in the present invention. Indeed, Edwards' entire container would need to be reengineered in order to achieve the present invention.

The Examiner stated that official notice was taken that a co-molded sheet of two different polymers is a composition, and that Anderson teaches coating a water soluble polymer composition on a thermoplastic film. The applicants respectfully submit that the rigid spacer *encloses* a composition, and therefore the water soluble polymer surrounds the composition, which is entirely contrary to what is suggested by the Examiner, which is to coat a polymer. The applicants again submit that the presently claimed invention is not taught or suggested by the cited references, as combined. Accordingly, the applicants respectfully request that the Examiner withdraw this rejection.

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Claim Rejections- Double Patenting

The Examiner rejected claim 1-19 under the judicially created doctrine of obviousness-type double patenting over claims 1-9 of US 7,407,923 to Wiedemann et al. In order to overcome this rejection, the applicants submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. §1.321. The applicants respectfully request that this rejection be withdrawn.

The applicants submit that the claims are in condition for allowance, and such favorable action is respectfully requested. If any issues remain, the resolution of which can be advanced through a telephone conference, the Examiner is invited to contact the applicant's attorney at the phone number listed below.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

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Respectfully submitted,
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